

## Message Text

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 CA-01 JUSE-00 SSO-00 /015 W  
-----031126 152306Z /64  
O 152255Z FEB 78  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC IMMEDIATE 8323

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E. O. 11652: N/A  
TAGS: CARR, PFOR, MX  
SUBJECT: U. S. MEXICO TREATY ON EXECUTION OF PENAL  
SENTENCES - IMPLEMENTATION OF ARTICLE VIII (2).

REF: STATE 36281; MEXICO 2453

1. PER GAITHER DALTON TELECON FEBRUARY 14, EMBASSY  
UNDERSTANDS THAT DEPARTMENT AGREEABLE TO AMMENDMENT OF  
ARTICLE I PARAGRAPH A TO USE "BY THE AUTHORITIES" IN  
LIEU OF "IN ACCORDANCE WITH THE LAW OF".

2. IN PARAGRAPH 2 AND 3 OF DEPARTMENT'S REVISION,  
REFERENCE IS MADE IN BOTH CASES TO TURNING OVER CUSTODY  
TO THE "CHIEF OF THE DIPLOMATIC MISSION" AND TO "THE  
CHIEF OF MISSION'S DESIGNEE". EMBASSY DOES NOT WISH  
TO REQUIRE THE AMBASSADOR'S INVOLVEMENT IN THE PROCESS  
OF THE RETURN OF A MENTALLY ILL INDIVIDUAL. WITH  
RESPECT TO A DESIGNEE, THE EMBASSY HAS HAD SEVERAL LEGAL  
PROBLEMS WITH RESPECT TO ESTABLISHING WHAT IS OR IS NOT  
A DESIGNEE AND HOW THE DESIGNATION IS MADE PER MEXICAN  
LAW. IN ONE INSTANCE THE GOM WENT SO FAR AS TO REQUEST  
A POWER OF ATTORNEY PERSONALLY SIGNED BY THE AMBASSADOR  
TO PERFORM THE FUNCTION OF A DESIGNEE IN OTHER MATTER.  
WE THEREFORE THINK IT IS HIGHLY INADVISABLE TO MAKE  
REFERENCE TO A DESIGNEE.

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3. EMBASSY WOULD PROPOSE AND PREFER THAT IN BOTH  
PARAGRAPHS THE PHRASE READ "A CONSULAR OFFICER ASSIGNED  
TO THE DIPLOMATIC MISSION OR CONSULAR POST AND REPORTED  
TO THE APPROPRIATE GOVERNMENT".

4. EMBASSY WOULD ENVISION THE APPLICATION OF THE PRO-

VISIONS OF THE AGREEMENT IN THE FOLLOWING MANNER:

A) IN THE CASE OF AN INDIVIDUAL WHO HAS BEEN CHARGED BUT NOT SENTENCED, THE CONSULAR OFFICER WOULD PREFORM THE FUNCTION OF MAKING ARRANGEMENTS WITH THE USG (PRESUMABLY HEW) TO ASCERTAIN THAT AN APPROPRIATE INSTITUTION WILL RECEIVE THE INDIVIDUAL AND PROVIDE SUITABLE MEDICAL OR PROTECTIVE ATTENTION THAT WOULD BE REQUIRED DURING THE TRANSPORT.

B) IN THE CASE OF A PERSON WHO HAS BEEN SENTENCED, THE CONSULAR OFFICER WOULD MAKE ARRANGEMENTS WITH THE USG (PRESUMABLY JUSTICE) FOR A MARSHALL TO COME TO MEXICO TO ESCORT THE INDIVIDUAL BACK TO THE UNITED STATES. IT IS PRESUMED HOWEVER, THAT A MEXICAN OFFICIAL WOULD ALSO BE REQUIRED TO ESCORT THE INDIVIDUAL IN THE EVENT THAT ANY DIFFICULTY ARISES IN OR OVER MEXICAN TERRITORY. IN ADDITION APPROPRIATE MEDICAL ATTENTION WOULD ALSO BE ARRANGED.

5. IN NEITHER OF THE ABOVE CASES IT IS ANTICIPATED THAT THE CONSULAR OFFICER WOULD ACCOMPANY THE INDIVIDUAL TO THE UNITED STATES.

6. WITH REFERENCE TO EMBASSY REFTEL, THE MEXICAN ATTORNEY GENERAL HAS STATED AND STATED AGAIN FEBRUARY 14 TO CONSUL LIMITED OFFICIAL USE

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GENERAL MCANINCH THROUGH THE FORMER'S EXECUTIVE OFFICER, THAT HE WISHED THE IMPLEMENTATION OF THE AGREEMENT TO BE ACCOMPLISHED BY THE U. S. ATTORNEY GENERAL. EMBASSY APPRECIATES THAT PURSUANT TO THE PROVISIONS OF THE ARTICLE THE AGREEMENT MUST BE MADE BETWEEN THE "PARTIES", BUT WOULD HOPE THAT THERE WOULD BE A REFERENCE TO THE UNITED STATES ATTORNEY GENERAL. IN ORDER TO EXPEDITE THE AGREEMENT, THE EMBASSY WOULD PREFER TO USE THE DRAFT CONTAINED IN STATE REFTEL. HOWEVER, IF DEPARTMENT WISHES TO AMMEND THAT DRAFT SO THAT IT IS NOT AS FORMAL AND WOULD BE ACCOMPLISHED BY AN EXCHANGE OF LETTERS, WE HAVE NO STRONG VIEWS SO LONG AS SOME REFERENCE IS MADE TO THE ATTORNEY GENERAL AND THE RE-DRAFTING DOES NOT CAUSE SIGNIFICANT DELAY. LUCEY

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, AGREEMENT DRAFT, TEXT, COURT DECISIONS, AMENDMENTS  
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**Copy:** SINGLE  
**Draft Date:** 15 feb 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
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**Disposition Reason:**  
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**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Review Event:**  
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**Subject:** U. S. MEXICO TREATY ON EXECUTION OF PENAL SENTENCES - IMPLEMENTATION OF ARTICLE VIII (2).  
**TAGS:** CARR, PFOR, MX, US  
**To:** STATE  
**Type:** TE  
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